United Nations A/60/99

General Assembly

Distr.: General
7 July 2005

Original: English

**Sixtieth session**
Item 76 (a) of the preliminary list*
**Oceans and the law of the sea**

# Report on the work of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea at its sixth meeting

## Letter dated 7 July 2005 from the Co-Chairpersons of the Consultative Process addressed to the President of the General Assembly

Pursuant to General Assembly resolutions 54/33 of 24 November 1999 and 57/141 of 12 December 2002, we were appointed as the Co-Chairpersons of the sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea. We now have the honour to submit to you the attached report on the work of the Consultative Process at its sixth meeting, which was held at United Nations Headquarters from 6 to 10 June 2005.

In accordance with paragraph 3 (h) of General Assembly resolution 54/33, and bearing in mind General Assembly resolution 59/24 on oceans and the law of the sea, the sixth meeting agreed to a number of elements relating to fisheries and their contribution to sustainable development to be suggested to the General Assembly for consideration under its agenda item "Oceans and the law of the sea", as set out in section 1 of part A of the present report. However, it was not possible to finalize all elements under consideration by the Consultative Process, and we were requested by the meeting to forward to the General Assembly our proposed elements relating to marine debris and cooperation and coordination. These elements are set out in section 2 of part A. A summary of the discussions held during the sixth meeting is presented in part B of the report. Part C contains information on additional issues that have been proposed for inclusion in the list of issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea (see A/58/95 and A/59/122).

* A/60/50 and Corr.1.

05-41401 (E) 020805

We kindly request that the present letter and the report of the Consultative Process be circulated as a document of the sixtieth session of the General Assembly under the agenda item "Oceans and the law of the sea".

(*Signed*) Cristián **Maquieira** and Philip D. **Burgess**
Co-Chairpersons

## Part A
## Elements to be suggested to the General Assembly for consideration under its agenda item entitled "Oceans and the law of the sea"

1. The sixth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea ("the Consultative Process") met from 6 to 10 June 2005 and, pursuant to General Assembly resolution 59/24, organized its discussions around the following areas: fisheries and their contribution to sustainable development; and marine debris.

2. On Friday, 10 June 2005, the meeting commenced its consideration of the elements proposed by the Co-Chairpersons. The meeting was able to reach agreement on most of the elements relating to fisheries and their contribution to sustainable development presented in section 1 below. However, as it was not possible to finalize the elements relating to marine debris and cooperation and coordination, it was agreed that the Co-Chairpersons' proposed elements would be forwarded to the General Assembly. These elements are presented in section 2 below.

### 1. Agreed elements

3. Fisheries, both commercial and artisanal, are a major contributor in many States to economic development, food security and the cultural and social well-being of their people. The importance of fisheries to many local communities in developing States was brought into stark focus by the devastating Indian Ocean tsunami in December 2004.

4. The contribution of fisheries to sustainable development relies on the continuing health of functioning, productive ecosystems. However, the report of the Food and Agriculture Organization of the United Nations on the state of world fisheries and aquaculture in 2004 confirms a trend already observed at the end of the 1990s, of growing concerns with regard to the livelihoods of fishers and the sustainability of commercial catches and the aquatic ecosystems from which they are extracted. While this is a general trend, it is important to note that there is a broad range of differences in the status of fisheries resources, the management of fisheries by States and regional arrangements, and the ability to respond to the need for effective and adaptive management.

5. In many instances, conventional approaches to fisheries management need to improve. The need for an integrated ecosystem-based approach to fisheries and oceans governance, based on the best available science, is widely and increasingly considered the key to maintaining fishery productivity and its continuing contribution to sustainable development.

6. It was proposed that the General Assembly:

(a) Recall its previous resolutions related to oceans and the law of the sea and sustainable fisheries;

(b) Note with concern the increasingly urgent need to address the problems afflicting many of the world's fisheries, both within and beyond national jurisdiction;

(c) Welcome and encourage the work of the Food and Agriculture Organization of the United Nations (FAO) and its Committee on Fisheries, in particular the recent call to effectively implement the various instruments already developed to ensure responsible fisheries;

(d) Welcome also the outcome of the Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement — Moving from Words to Action, held in St. John's, Canada, from 1 to 5 May 2005, particularly its Ministerial Declaration, and ongoing work on illegal, unreported and unregulated fishing;

(e) Welcome the fourth round of informal consultations of States Parties to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the Agreement); encourage wide participation in accordance with article 36 of the Agreement in the Review Conference, to be held in May 2006, and in its preparatory process; and encourage those States that are able to do so to become parties to the Agreement prior to the Review Conference;

(f) Encourage States, as appropriate, to recognize that the general principles of the Agreement should also apply to discrete fish stocks in the high seas;

(g) Urge States to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and to overcapacity, while completing the efforts undertaken at the World Trade Organization to clarify and improve its disciplines on fishery subsidies, taking into account the importance of this sector for developing countries;

(h) Urge States to eliminate obstacles that are not consistent with their obligations to the World Trade Organization, taking into account the importance of the trade of fishery products, particularly for developing countries.

7. Noting the key and evolving role that subregional and regional fisheries management organizations and arrangements can play in ensuring effective and sustainable fisheries and ocean conservation and management, it was proposed that the General Assembly:

(a) Call upon all States and entities referred to in the United Nations Convention on the Law of the Sea ("the Convention") and in article 1, paragraph 2 (b), of the Agreement and fishing in areas of competence of these organizations and arrangements to become members or to agree to apply their conservation and management measures;

(b) Welcome and urge efforts by regional fisheries management organizations and arrangements to:

(i) Fill gaps in their mandates to include ecosystem and biodiversity considerations, the precautionary approach, based on the best available scientific information;

(ii) Develop criteria for allocations;

(iii) Strengthen integration, coordination and cooperation with regional fisheries organizations, regional seas arrangements and other relevant organizations;

(c) Encourage States through their participation in regional fisheries management organizations and arrangements to initiate processes for their review, and welcome the involvement of FAO in the development of general objective criteria for such reviews.

8. Fisheries, including artisanal, or small-scale fisheries, contribute significantly to poverty alleviation, food security and economic growth. In the case of small-scale fisheries, it was proposed that the General Assembly:

(a) Welcome the work of FAO in developing guidance on the strategies and measures required for the creation of an enabling environment for small-scale fisheries, including the development of a code of conduct and guidelines for enhancing the contribution of small-scale fisheries to poverty alleviation and food security that include adequate provisions with regard to financial measures, transfer of technology and capacity-building; and encourage studies for creating possible alternative livelihoods for coastal communities;

(b) Urge States and relevant international and national organizations to provide for participation of small-scale fishery stakeholders in related policy development and fisheries management strategies, consistent with the duty to ensure the proper conservation and management of those fisheries resources;

(c) Encourage increased capacity-building and technical assistance by States, international financial institutions and relevant intergovernmental organizations and bodies for fishers, in particular small-scale fishers, in developing countries, and in particular small island developing States, consistent with environmental sustainability.

9. The lack of effective implementation and enforcement of flag State responsibilities is still a critical shortcoming in the effectiveness of overall oceans governance and a serious impediment to the contribution of responsible fisheries to sustainable development. It was proposed that the General Assembly:

(a) Note the ongoing work of the International Maritime Organization (IMO) in cooperation with other competent international organizations, following the invitation extended to it by the General Assembly in its resolutions 58/14 and 58/240 to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective controls over vessels flying their flag;

(b) Recall the appeal made by the Ministers of Fisheries of FAO in their Declaration on Illegal, Unreported and Unregulated Fishing, adopted at the FAO Ministerial Meeting on Fisheries, held on 12 March 2005, to take international action to eliminate illegal, unreported and unregulated fishing by vessels flying flags of convenience, as well as to require that a genuine link be established between States and fishing vessels flying their flag;

(c) Encourage work by competent international organizations to develop guidelines on flag State performance in relation to fishing vessels;

(d) Emphasize the obligations of States to apply flag State responsibilities in accordance with the Convention and the Agreement with respect to conservation measures for fisheries resources on the high seas;

(e) Encourage States to apply the FAO Port State Model Scheme at the national and regional levels, promote its application through regional fisheries

management organizations and consider the possibility of adopting a legally binding instrument;

(f) Call upon States to promote, consistent with national law, the establishment of positive and negative lists of vessels fishing within areas covered by regional fisheries management organizations and arrangements to assist in the determination of compliance with conservation and management measures and encourage improved coordination among all parties to share and use this information;

(g) Request States and relevant international bodies, in consultation with the World Trade Organization and FAO, to develop more effective measures to trace fish and fishery products to enable importing States to identify fish or fisheries products caught in a manner that undermines agreed international conservation and management measures in accordance with international law, and at the same time to recognize the importance of effective market access for fish and fisheries products caught in a manner that is in conformity with such international measures;

(h) Call upon all flag States to ensure that vessels flying their flag do not engage in trans-shipments of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing; and upon States, individually or through regional fisheries management organizations, to develop more effective enforcement and compliance measures to prevent and suppress such trans-shipments in accordance with international law;

(i) Encourage the work of the International Labour Organization, in particular in relation to the convention and recommendation concerning work in the fishing sector;

(j) Welcome the adoption of the revised Code of Safety for Fishermen and Fishing Vessels and encourage its effective application, and urge States to become parties to the 1993 Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels.

10. Illegal, unreported and unregulated fishing continues to seriously undermine the contribution of responsible fisheries to sustainable development. It was proposed that the General Assembly:

(a) Welcome and support the Rome Declaration on Illegal, Unreported and Unregulated Fishing adopted at the FAO Ministerial Meeting on Fisheries, held on 12 March 2005, as well as the Ministerial Declaration adopted at the 2005 Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement — Moving from Words to Action;

(b) Urge States, individually and through relevant regional fisheries management organizations and arrangements, to establish mandatory vessel monitoring, control and surveillance systems for fishing vessels, including the sharing of information on fisheries enforcement matters, and to give consideration to transforming the existing voluntary monitoring, control and surveillance network into an international unit with dedicated resources that can assist fisheries enforcement agencies;

(c) Encourage and support the development of a comprehensive global record of fishing vessels within FAO, including refrigerated transport vessels and supply vessels, that incorporates available information on beneficial ownership,

subject to confidentiality requirements in accordance with national law, and ensure that all large-scale fishing vessels operating on the high seas be required by their flag State to be fitted with vessel monitoring systems no later than December 2008, or earlier if so decided by their flag State or any relevant regional fisheries management organization;

(d) Urge States and relevant organizations to expand the use of negative vessel lists to identify products from illegal, unreported and unregulated catches, and where possible to establish tracking and verification mechanisms to do so;

(e) Encourage the establishment of regional guidelines for States to use in establishing sanctions, for non-compliance by vessels flying their flag and by nationals, that are adequate in severity to effectively secure compliance, deter further violations and deprive offenders of the benefits deriving from their illegal activities;

(f) Urge States to implement multilaterally agreed trade measures in accordance with the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

11. It was proposed that the General Assembly:

(a) Reaffirm the importance it attaches to resolution 59/25, paragraphs 66 to 71, and urge accelerated progress on implementing these elements of the resolution;

(b) Welcome progress made in the implementation of paragraphs 68 and 69 of resolution 59/25 calling for the expansion of the competence of existing regional fisheries management organizations or for the establishment of new regional fisheries management organizations to cover areas of the high seas where no such organization or arrangement currently exists;

(c) Request regional fisheries management organizations and arrangements with existing competency to implement spatial and temporal measures to protect vulnerable marine ecosystems to do so as a matter of urgency;

(d) Request States and regional fisheries management organizations and arrangements to be in a position to report on actions pursuant to paragraphs 66 to 69 of General Assembly resolution 59/25 when the Assembly reviews progress in 2006 and consider further recommendations for action;

(e) Encourage progress to establish criteria on the objectives and management of marine protected areas for fisheries purposes and welcome the proposed work of FAO to develop technical guidelines in accordance with the Convention on the design, implementation and testing of marine protected areas, and urge close coordination and cooperation with relevant international organizations, including the Convention on Biological Diversity;

(f) Call upon States to urgently accelerate their cooperation in establishing interim targeted protection mechanisms for vulnerable marine ecosystems in regions where they have an interest in the conservation and management of marine living resources;

(g) Request States and regional fisheries management organizations and arrangements to urgently implement all measures recommended in the FAO Guidelines to Reduce Sea Turtle Mortality in Fishing Operations to help prevent the decline of all species of sea turtles;

(h) Acknowledge the role of certification and ecolabelling schemes, which should be consistent with the requirements of the World Trade Organization and guidelines adopted by FAO.

12. It was proposed that the General Assembly:

(a) Call for more timely and comprehensive reporting of catch and effort data, including for straddling fish stocks within and outside exclusive economic zones and for discrete high seas stocks, including by-catch and discards;

[(b) Encourage States [individually or through] regional fisheries management organizations and arrangements and regional seas programmes to work to ensure that fisheries and other ecosystem data can be consolidated and incorporated into the Global Earth Observation System of Systems for coordination at an ecosystem level;]

(c) Encourage enhanced science for conservation and management measures that incorporate and strengthen ecosystem considerations, including through implementation of the Strategy for Improving Information on Status and Trends in Capture Fisheries and a greater reliance on scientific advice in adopting such measures;

(d) Request further studies and consideration of the impacts of ocean noise on marine living resources;

(e) Commend the Advisory Group of Experts on the Law of the Sea of the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for its work on the legal aspects of marine scientific research and the transfer of marine technology in conformity with the Convention and in cooperation with the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, and encourage the Group to continue such work.

13. Access and capacity constraints continue to be serious impediments to many developing countries, in particular the least developed countries, small island developing States and coastal African States, in benefiting from fisheries and their contribution to sustainable development. It was proposed that the General Assembly:

(a) Encourage the international community to enhance the opportunities for sustainable development in developing countries, in particular the least developed countries, small island developing States and coastal African States, by encouraging greater participation of those States in fisheries activities being undertaken by distant-water fishing nations within their exclusive economic zones in order to achieve better economic returns from their fisheries resources and an enhanced role in regional fisheries management;

(b) Request distant-water fishing nations, when negotiating access agreements and arrangements with developing coastal States, to do so on an equitable and sustainable basis, including by giving greater attention to catch processing within the jurisdiction of the developing coastal State to assist the realization of the benefits from the development of fisheries resources;

(c) Encourage greater assistance for developing States in designing, establishing and implementing relevant agreements, instruments and tools for the

conservation and sustainable management of fish stocks, including the enhancement of research and scientific capabilities through existing funds, such as the Assistance Fund under Part VII of the Agreement, bilateral assistance, regional fisheries management organizations and arrangements assistance funds, the FAO FishCode Programme, the World Bank's global programme on fisheries and the Global Environment Facility.

## 2. Proposed elements not discussed at the meeting

### Marine debris

14. Marine debris is a global transboundary pollution problem that constitutes a serious threat to human health and safety, endangers fish stocks, marine biodiversity and marine habitats and has significant costs to local and national economies. There are many different types of marine debris; different approaches to their prevention and removal are therefore required.

15. It was proposed that the General Assembly:

(a) Note the lack of information and data on marine debris and encourage relevant national, regional and international organizations to undertake further studies on the extent and nature of the problem;

(b) Encourage States to develop partnerships with industry and civil society to raise awareness of the extent of the impact of marine debris on the health and productivity of the marine environment and consequent economic loss;

(c) Urge States to integrate the issue of marine debris into national strategies dealing with recycling, reuse and reduction and promote the development of appropriate economic incentives to address this issue;

(d) Encourage States to cooperate regionally and subregionally to develop and implement joint prevention and recovery programmes;

(e) Recognize the need to build capacity in developing States to raise awareness and implement improved waste management practices, noting the particular vulnerability of small island developing States to the impact of marine debris;

(f) Invite IMO, in consultation with FAO, the United Nations Environment Programme (UNEP) and the Division for Ocean Affairs and the Law of the Sea, to review Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and to assess its effectiveness in addressing sea-based sources of marine debris;

(g) Welcome the continuing work of IMO relating to port waste reception facilities and encourage the work of its Marine Environment Protection Committee in identifying problem areas and developing a comprehensive action plan;

(h) Welcome the convening of the Second Intergovernmental Review of the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities as an opportunity to discuss marine debris in relation to the source categories of the Global Programme of Action and urge broad high-level participation.

16. It was proposed that the General Assembly encourage close cooperation and coordination among relevant organizations, United Nations programmes and other bodies, such as FAO, IMO, UNEP, the Global Programme of Action, regional seas arrangements, regional and subregional fisheries management organizations and relevant stakeholders, to address the issue of lost and discarded fishing gear and related marine debris through initiatives such as:

(a) Analysis of the implementation and effectiveness of the existing measures relevant to the control and management of derelict fishing gear and related marine debris;

(b) The establishment and maintenance of national inventories of net types and other gear used by fisheries within national jurisdictions;

(c) The establishment of a clearing-house mechanism to facilitate the sharing of information between States on fishing net types and other gear used by fisheries around the world;

(d) Regular, long-term collection, collation and dissemination of information on derelict fishing gear found within national jurisdictions;

(e) Development and implementation of targeted studies to determine the socio-economic, technical and other factors that influence the accidental loss and deliberate disposal of fishing gear at sea;

(f) Assessment of preventive measures, incentives and disincentives relating to the loss and disposal of fishing gear at sea;

(g) Consideration of the outcomes of the Asia-Pacific Economic Cooperation (APEC) Education and Outreach Seminar on Derelict Fishing Gear and Related Marine Debris, held in January 2004, by the Global Programme of Action, the FAO Committee on Fisheries and other relevant intergovernmental and regional organizations;

(h) Awareness-raising within regional fisheries management organizations of the issue of derelict fishing gear and related marine debris and identification of options for action;

(i) Consideration by the FAO Committee on Fisheries of the issue of derelict fishing gear and related marine debris at its next meeting, and in particular the implementation of the FAO Code of Conduct for Responsible Fisheries.

17. It was proposed that the General Assembly request the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea to undertake another review of marine debris within five years, including the question of effective implementation of relevant international instruments.

**Cooperation and coordination**

18. Under the item coordination and cooperation, a report was provided by the Executive Secretary of the Intergovernmental Oceanographic Commission of UNESCO, Coordinator of UN-Oceans, outlining progress to date on the establishment and the work of UN-Oceans.

19. It was proposed that the General Assembly:

(a) Welcome the work that the secretariats of agencies, programmes and funds of the United Nations system as well as secretariats of relevant international conventions have done to enhance inter-agency coordination and cooperation on oceans issues;

(b) Encourage States to work closely with and through international organizations, funds and programmes as well as the specialized agencies of the United Nations system and relevant international conventions to identify emerging areas of focus for improved coordination and cooperation and how best to address these issues.

## Part B
## Co-Chairpersons' summary of discussions

### Agenda items 1 and 2: Opening of the meeting and adoption of the agenda

20. The sixth meeting of the Consultative Process had before it the annual report of the Secretary-General on oceans and the law of the sea (A/60/63) as well as submissions by Costa Rica (A/AC.259/13), Pakistan (A/AC.259/15) and UNEP (A/AC.259/14).

21. The meeting was opened by the two Co-Chairpersons, Cristián Maquieira (Chile) and Philip Burgess (Australia), who in their introductory statements outlined the programme of work of the sixth meeting and briefly reflected on the functions of the Consultative Process and the format for the discussions, in particular with regard to the discussions of the elements for consideration by the General Assembly.

22. They presented the proposals of the Co-Chairpersons for the format and the annotated provisional agenda of the sixth meeting (A/AC.259/L.6). One delegation proposed to replace in the format and provisional annotated agenda the word "recommendations" to be suggested to the General Assembly with "elements" to make it consistent with the language of General Assembly resolution 54/33. The meeting supported this proposal and the format and the annotated agenda were subsequently adopted, as orally amended.

### Agenda item 3: General exchange of views on areas of concern and actions needed, including on issues discussed at previous meetings

23. A number of delegations expressed their appreciation to the Secretary-General and the staff of the Division for Ocean Affairs and the Law of the Sea for the Secretary-General's report "Oceans and the law of the sea" (A/60/63). They highlighted the comprehensive nature of the report and its importance for the discussions at the Consultative Process. In addition to the material on the two areas of focus before the sixth meeting of the Consultative Process, the part of the report devoted to the Indian Ocean tsunami was highlighted as being of particular importance. With respect to the chapter in the Secretary-General's report relating to maritime security, one delegation expressed its dissatisfaction with the inclusion of a reference to the Proliferation Security Initiative.

**The Consultative Process**

24. Since the sixth meeting of the Consultative Process marked the end of the second three-year cycle and the General Assembly would be reviewing the effectiveness and utility of the Consultative Process at its sixtieth session, a number of delegations considered it useful to evaluate its achievements and to reflect on its future. Delegations expressed strong support for the Consultative Process and underlined its contribution to the work of the United Nations and, in particular, to an open exchange of views on topical issues relating to oceans and the law of the sea. They stated that, in general, the Consultative Process had achieved its goals and facilitated the annual review by the General Assembly of developments in ocean affairs and the law of the sea. Its inclusiveness and open-ended nature were highlighted by many delegations as indicators of its relevance and success. They noted that it had made a crucial contribution towards achieving a more integrated approach to the solution of issues of global oceans governance and strengthened coordination and cooperation among all relevant actors. For these reasons, delegations called for a renewal of the mandate of the Consultative Process, indicating, at the same time, that its format needed to be improved.

25. One delegation stressed the importance of the principles contained in resolution 54/33 to guide the Consultative Process, and underlined that the discussions in the Consultative Process should, inter alia, proceed within the framework established by the Convention and other relevant international instruments, focus on international coordination and cooperation in ocean affairs and deal with issues of common concern to all States and refrain from considering specific issues of interest only to some coastal States. The delegation also stressed that recommendations and suggestions from the Consultative Process should be made by consensus.

26. A number of delegations put forward their views on how the Consultative Process could be improved. Several delegations noted that the issues on the agenda had not been sufficiently focused to enable a fruitful interdisciplinary discussion and proposed making available prior to the meeting information on the precise nature and focus of the presentations; having more experts; and more active participation by and clear input from competent international organizations in the debate. One delegation underlined the need to receive more information from non-United Nations organizations. Several delegations underlined that the European Community was a party to the Convention and the Fish Stocks Agreement and expressed the hope that the discrepancy between the observer status of the European Community and its competencies — whether exclusive or mixed — with respect to many issues discussed at the Consultative Process could be resolved.

27. A number of delegations expressed their dissatisfaction with the limited amount of time available for the consideration of the elements that are forwarded to the General Assembly. Some delegations pointed out that time constraints prevented them from consulting officials in their capitals. One delegation stated that its Government would be unable to agree to the text under such conditions. Some delegations expressed the view that rather than negotiating a text word for word, the meeting should focus on putting forward elements to the Assembly that reflected the different points of view. Other delegations considered that the General Assembly was best served by a negotiated text, but that more time was needed for the discussions of the elements. One delegation suggested convening meetings of the

Consultative Process later in the year, shortly before the consideration by the General Assembly of the agenda item "Oceans and the law of the sea", so that the Consultative Process could facilitate the preparation of the draft resolution.

**Indian Ocean tsunami**

28. Margareta Wahlstrom, Assistant Secretary-General for Humanitarian Affairs and United Nations Special Coordinator for the tsunami response, presented an overview of the United Nations response to the Indian Ocean tsunami disaster and progress achieved in providing emergency relief as well as assistance with the rehabilitation and reconstruction of the affected regions. She, inter alia, highlighted the need for new mechanisms and improved international coordination with a view to preventing loss of life and substantial material damage in the future.

29. A number of delegations provided details about their response to the Indian Ocean tsunami disaster, including financial support. They elaborated on reconstruction and rehabilitation strategies. Sustainable development of fisheries in line with the FAO Code of Conduct for Responsible Fisheries was mentioned as being one of the core elements of such rehabilitation. The delegations of Indonesia and Thailand expressed their gratitude for the unprecedented response of the international community to the Indian Ocean tsunami. One delegation highlighted the vulnerabilities of small island developing States to such natural disasters and referred to the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States.

30. Several delegations informed the meeting about the European Union tsunami action plan, which included the establishment of an early-warning system for the Mediterranean Sea, the Atlantic Ocean and the Indian Ocean. One delegation informed the meeting about its commitment, in partnership with the international community, to expand and enhance the existing Pacific Ocean tsunami warning system into a global system. Another delegation pointed to the link between marine scientific research and early warning systems.

31. The representative of the Intergovernmental Oceanographic Commission of UNESCO informed the meeting about the status of the Indian Ocean tsunami warning system. A network of 19 national tsunami focal points had been established to receive advisory information from the Pacific Tsunami Warning Centre and the Japan Meteorological Agency and existing observational networks had been upgraded to enable them to transmit real-time information regarding tsunamis.

**Advisory body of experts on the law of the sea of the Intergovernmental Oceanographic Commission**

32. The representative of the Intergovernmental Oceanographic Commission of UNESCO informed the meeting that a copy of the Criteria and Guidelines on the Transfer of Marine Technology, which the advisory body of experts on the law of the sea of the Commission had prepared and which were subsequently adopted by the Commission Assembly in 2003, had been distributed at the meeting of the Consultative Process, in accordance with the request of the General Assembly in resolution 59/24 to disseminate the criteria and guidelines. He also informed the meeting that the advisory body had finished drafting an internal procedure to apply article 247 of the Convention in the work of the Commission, which is scheduled for

adoption at the twenty-third session of the Commission Assembly. Support was expressed for the work of the advisory body by some delegations.

**Safety and security of navigation, and labour conditions**

33. The representative of IMO provided information on recent activities, including the adoption of new instruments and progress in the development of a voluntary member State audit scheme for IMO. He also informed the meeting that, in response to the invitation contained in General Assembly resolution 58/240, the Secretary-General of IMO would convene an ad hoc inter-agency consultative meeting from 7 to 8 July 2005 comprising representatives of the Division for Ocean Affairs and the Law of the Sea, FAO, the International Labour Organization (ILO), the United Nations Conference on Trade and Development, the Organization for Economic Cooperation and Development and IMO to study, examine and clarify the role of the "genuine link" in relation to the duty of flag States to exercise effective control over ships flying their flags, including fishing vessels. As requested by the General Assembly in resolution 59/24, the outcome of the study undertaken by IMO and the other competent organizations would be communicated to the Secretary-General of the United Nations for him to report to the sixty-first session of the General Assembly.

34. A group of non-governmental organizations suggested that the Consultative Process discuss the issue of the genuine link at its next meeting and that the Division for Ocean Affairs and the Law of the Sea should develop an implementing agreement for the Convention on the full and effective implementation and enforcement of flag State responsibilities.

35. The representative of ILO informed the meeting about progress in the development of the consolidated maritime labour convention and a convention and recommendation concerning work in the fishing sector. He requested the assistance of the Consultative Process in promoting widespread ratification and implementation of ILO instruments, including the Seafarers' Identity Documents Convention (Revised).

36. Some delegations underlined the need to strengthen labour laws and ensure the protection of human rights of crew on-board vessels. A group of non-governmental organizations recommended that the Consultative Process consider the human and labour rights of those employed in the fishing and maritime sectors (see also paras. 68 and 69 below).

37. The need to strengthen capacity-building for the production of nautical charts, especially electronic charts, with the participation of the International Hydrographic Organization and funding institutions, was raised by one delegation.

38. Some delegations emphasized the need to cooperate with the International Atomic Energy Agency to ensure that sensitive sea areas are protected from the transport of radioactive materials by sea.

39. One delegation provided information about various initiatives to improve safety and security of navigation and environmental protection in the Straits of Malacca and Singapore, including an IMO-sponsored meeting to be held in Jakarta in 2005, and the marine electronic highway project. The delegation pointed out that, in order to maintain maritime security, States had to act strictly in accordance with

international law, avoiding the application of any unilateral policies in contravention of existing legal norms derived from the Convention.

40. One delegation called for strengthened efforts to prevent and eliminate impacts on coral reefs as a result of collisions by ships; the promotion of exchange of information between States and organizations in case of accidental damage to corals; the establishment of a list of experts to assess damage to vulnerable marine ecosystems; and the development of liability and compensation mechanisms for such damage.

**Conservation and management of marine biodiversity**

41. A number of delegations commented on the issue of high seas biodiversity. Some delegations emphasized the need for a coherent approach to the conservation and management of marine biodiversity both within zones under national jurisdiction and on the high seas.

42. Several delegations welcomed the establishment of the ad hoc open-ended informal working group to study issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. Some pointed out that the agenda of the group needed to be broad and that fisheries should be seen as a key component.

43. Several delegations said that General Assembly resolution 59/25 provided short-term measures to address adverse impacts on high seas biodiversity, but that in the medium term, measures should be aimed at developing an implementing agreement to the Convention. They recalled their statement at the fifth meeting of the Consultative Process that, in principle, they would support the development of an instrument within the framework of the Convention that would provide for the conservation and management of biological diversity in areas beyond national jurisdiction, including the establishment and regulation on an integrated basis of marine protected areas where there is a scientific basis for establishing them. Those delegations stated that the UNEP Regional Seas Programme and other regional seas conventions should have a role in the assessment of areas in urgent need of protection from certain damaging activities.

44. Some delegations referred to the call in the Johannesburg Plan of Implementation to establish a representative network of high seas protected areas and expressed their support for exploring the potential for them, stating that they were a flexible tool that could be constructed to achieve a wide range of outcomes. During the discussions, there were diverging views as to the use and effectiveness of marine protected areas. Some delegations pointed out that since measures such as marine protected areas could restrict the freedoms of the high seas, their implementation should be subject to the consent of States concerned. Restrictions should be based on binding instruments negotiated in conformity with international law, taking into account the interests of transparency, legitimacy and effectiveness. One delegation noted that where marine protected areas were related to the resources of the deep seabed, the participation of the International Seabed Authority with regard to scientific research, the protection and conservation of the natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment in the Area should be respected as well. Another delegation expressed the view that if marine protected areas were established on the high seas, it should be done on a case-by-case basis and on the basis of scientific information,

and even then it should be a last resort. Yet others referred to the difficulties regarding the enforcement of such protected areas in the high seas.

**Anthropogenic underwater noise pollution**

45. A group of non-governmental organizations drew attention to anthropogenic underwater noise as a largely unregulated form of pollution. They suggested using the Convention as a legal basis for action to regulate this form of pollution; organizing a multinational task force to develop international agreements regulating noise levels; and applying the precautionary principle to significantly reduce, mitigate or cease activities resulting in the production of intense underwater noise until effective guidelines were developed. One delegation underlined the need for the international community to address underwater noise pollution.

**Areas of focus**

46. The two areas of focus — fisheries and their contribution to sustainable development, and marine debris — were discussed in depth by panels A and B, as well as in the plenary during the consideration of agenda item 3. The discussions in each panel were launched by a number of panellists. (Due to page constraints, the panel presentations are not included in the present report. Available panel presentations have been posted on the website of the Division for Ocean Affairs and the Law of the Sea at www.un.org/Depts/los.)

47. It was emphasized by some delegations that, when examining the two areas of focus, the connection between them, as well as the need for an integrated, interdisciplinary and intersectoral approach, had to be borne in mind. One delegation highlighted the relationship between current and past areas of focus, such as protection and preservation of the marine environment and vulnerable marine ecosystems.

**1. Fisheries and their contribution to sustainable development**

*(a) Panel presentations*

48. The first segment of the panel presentations was devoted to recent developments and was launched by Serge Garcia, Director of the Fisheries Resources Division, FAO Fisheries Department, who provided an overview of the state of the world's fisheries and reported on the outcome of the twenty-sixth session of the FAO Committee on Fisheries, held from 7 to 11 March 2005. David Balton, Chairman of the fourth round of informal consultations of States Parties to the Fish Stocks Agreement and Deputy Assistant Secretary for Oceans, Bureau of Oceans, International Environmental and Scientific Affairs, Department of State, United States of America, then reported on the outcome of the fourth round of informal consultations, which were held from 31 May to 3 June 2005. The third panellist, Lori Ridgeway, Director-General, International Coordination and Policy Analysis, Fisheries and Oceans, Canada, presented a summary of the results of the Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement — Moving from Words to Action, held in St. John's, Canada, from 1 to 5 May 2005. The fourth panellist, Kjartan Hoydal, Secretary of the North-East Atlantic Fisheries Commission, provided a report on the outcome of the fourth meeting of Regional Fishery Bodies, which was held on 14 and 15 March 2005.

Evelyne Meltzer, adviser to the delegation of Canada, introduced her research work entitled "Global Overview of Straddling and Highly Migratory Fish Stocks", which she prepared for the St. John's Conference at the request of the Government of Canada.

49. The second panel segment, on commercial/large-scale fishing, was launched by Patrick McGuiness, President of the International Coalition of Fisheries Association, and Javier Garat, Secretary-General, Federación Española de Organizaciones Pesqueras, Spain, who provided an industry perspective. The third panellist, Matthew Gianni, international fisheries consultant, proposed measures to address bottom trawling and illegal, unreported and unregulated fishing.

50. The third panel segment was devoted to small-scale and artisanal fishing and was launched by Fabio Hazin, Director of the Fisheries and Aquaculture Department, Universidade Federal Rural de Pernambuco, Brazil, and Sidi El Moctar Ould Mohamed Abdallahi, Head of Coastal Fisheries Development, Ministry of Fisheries and Maritime Economy, Mauritania. Both provided information on the contribution of this fisheries sub-sector to food security and poverty alleviation as well as the difficulties faced by small-scale fisheries, and suggested possible measures.

51. A scientific and civil society perspective was provided during the fourth panel segment. Boris Worm, Assistant Professor in Marine Conservation Biology, Biology Department, Dalhousie University, Halifax, Canada, made a presentation on the causes and consequences of and solutions to the global decline in large pelagic fish. Callum Roberts, Professor in Marine Conservation Biology, Environment Department, University of York, United Kingdom, explained how marine reserves could benefit fisheries and ecosystem recovery and stability. Sebastian Mathew, Programme Adviser, International Collective in Support of Fishworkers, Chennai, India, focused, inter alia, on the role of fisheries, including aquaculture, as a major source of employment. Karen Sack, Oceans Policy Advisor, Greenpeace International, called for action to address deep sea bottom trawling.

*(b) Summary of discussions in panel A and the plenary*

52. Many delegations underlined the positive contribution of sustainable fisheries to food security, poverty alleviation, economic development and social stability, such as through the reduction of unemployment, especially in the case of developing countries, in particular small island developing States.

53. The need to increase developing States' capacity in the field of sustainable management of fisheries was recognized by a number of delegations, which underlined the need for subsistence assistance, capacity-building and transfer of technology for developing countries, in particular small island developing States. In that regard, some delegations referred to the possibility of assistance being provided through the United Nations University Fisheries Training Programme, the Assistance Fund under Part VII of the Agreement, the World Bank PROFISH programme and official development assistance. One delegation acknowledged the importance of both developing an integrated system of assistance that would focus on sustainable and responsible fisheries and ensuring that developing States maximize the use of the assistance they receive.

54. Another delegation suggested that the General Assembly urge the international community to encourage greater participation of developing countries, particularly small island developing States, in fishing activities undertaken by distant-water fishing nations within their exclusive economic zones (EEZs), to enhance the opportunities for sustainable development for those States. The same delegation furthermore suggested that the Assembly urge distant-water fishing nations to negotiate access agreements with developing countries on an equitable and sustainable basis, and encourage those nations to process catch taken from the EEZs of developing countries within the territory of those States, thereby creating employment and contributing further to the sustainable development of developing coastal States.

55. Some delegations suggested that there was a need to abolish protectionist measures (subsidies in particular), which hinder access to markets by developing countries. An urgent review of subsidies at the World Trade Organization in the light of the Doha Declaration was suggested.

56. Several delegations highlighted the difficulties in the use of the terminology of small-scale and artisanal fisheries. While some highlighted the need for standard terminology, others considered this impractical. Several delegations highlighted the difficulties experienced by small-scale fishers in gaining access to high seas fishing grounds. Some delegations stressed the need for the involvement of small-scale and artisanal fishers in decision-making. In order to improve understanding of the contribution of small-scale fisheries to food security, it was suggested by one delegation that, inter alia, small-scale fisheries be made a priority subsector in national development plans and in regional development programmes, and that information on the potential of small-scale fishing to meet household and national food-security targets be broadcast. The need for increased activities in the areas of resource management and assessment, monitoring, control and surveillance and capacity-building at the national and regional levels was underlined by some delegations. One delegation identified the need to address activities that could contribute to a reduction in coastal pollution and strategies to attract a new generation of small-scale fishermen and fisherwomen to the subsector. The same delegation emphasized that there was an urgent need in many developing countries for long-term partnerships between public and private organizations geared towards upgrading the secondary sector to develop high-quality traditional fishery products for national and regional consumption.

57. One delegation noted that small-scale fisheries were at times in conflict with industrial fishing and aquaculture. Another delegation underlined that both small- and large-scale fishing had to be conducted in a sustainable manner. Yet another delegation noted that if small-scale fisheries were unsustainable, there was a need to assist countries in finding alternative livelihoods for fishers.

58. Some delegations pointed out that the sustainable development of fisheries was another aspect of the contribution of fisheries to sustainable development. In that regard, one delegation noted that the issue was directly linked to the protection of the marine environment, the balancing of the needs of present and future generations, the equitable access of all States to fishing resources and the relations between coastal and high seas fisheries.

59. Another delegation underlined the need for States to examine in depth the issue of resource access and allocation in order to prevent over-exploitation of

available resources. Some suggested involving the industry and fishers, including those involved in small-scale fisheries, in decision-making processes. One delegation proposed co-management and shared resource stewardship by industry, including through innovative codes of conduct. A representative from a non-governmental organization suggested that industry be provided with secure rights of access in return for compliance incentives based on user rights.

60. From the institutional point of view, several delegations were of the view that ocean resources were best managed at the national and regional levels. They underlined the important role of regional fisheries management organizations and arrangements. Some advocated a strengthening of their role and a modernization of their operation. In this regard, one delegation indicated that the said organizations should have the responsibility of determining how the assessment of their performance was to be conducted. Some delegations underlined the need for a stronger ecosystem-based focus. Others suggested that active linkages among regional fisheries management organizations be promoted as well as between those organizations and regional seas programmes and other relevant regional organizations.

61. The need to establish regional fisheries management organizations in areas where they are not yet in place was also underlined by several delegations. In this connection, reference was made by some delegations to a new initiative to establish a fisheries management organization for non-tuna species in the South Pacific. Some delegations expressed the view that where no regional fisheries management organization exists, coastal States should have the right and duty to adopt conservation measures.

62. One delegation noted that there was an increased need for coordination and cooperation, not only among States, but among an increasing number of organizations active in this field, including the World Trade Organization. That delegation also underlined the important role played by non-governmental organizations, as well as by the fishing industry.

63. Many delegations underlined the importance of States becoming parties to and effectively implementing the existing legal instruments, including the Convention, the Agreement and the 1993 High Seas Fishing Compliance Agreement, as well as implementing the FAO Code of Conduct for Responsible Fisheries and the FAO international plans of action. The need for improved governance and management of high seas resources was also underlined by some delegations, as well as the need to address any gaps in the conservation and management of discrete fish stocks in the high seas.

64. Several delegations expressed support for the outcome of the FAO Committee on Fisheries, the 2005 Rome Declaration on Illegal, unreported and unregulated Fishing and the Conference on the Governance of High Seas Fisheries and the United Nations Fish Agreement — Moving from Words to Action, held in St. John's, Canada. They also welcomed the outcome of the fourth round of informal consultations of States parties to the Agreement. One delegation indicated that it disagreed with the inclusion of a reference to the St. John's Conference in the elements relating to illegal, unreported and unregulated fishing to be suggested to the General Assembly, but that it would not stand in the way of consensus on that point.

65. Effective flag State implementation and enforcement of flag State responsibilities were regarded by a number of delegations as fundamental to the proper implementation of the existing rules and standards. It was suggested by one delegation that vessel registers and vessel-marking standards be used to identify fishing vessels authorized to fish.

66. It was observed that failure to implement conservation and management frameworks offered an opportunity for fishing operations to reflag and move to lower-cost operations, a phenomenon directly linked to illegal, unreported and unregulated fishing. Some delegations and non-governmental organizations underlined the need to ensure that there was a genuine link between the fishing vessel and the owner and emphasized the need to define the genuine link.

67. Some delegations suggested strengthening the role of port State control by requiring States to implement the FAO Model Scheme on Port State Measures directly, and through regional fisheries management organizations. Several delegations highlighted the need to harmonize custom codes for fishing products.

68. The need to ensure respect for human rights in the fisheries and shipping sectors was underlined by some delegations. A group of non-governmental organizations called attention to the link between the practice of illegal, unreported and unregulated fishing and poor social and safety conditions for crews on-board fishing vessels. They pointed out that labour conditions on-board fishing vessels were in some cases analogous to slavery. Vessel reflagging and the lack of any widely accepted global convention on safety and personnel requirements for fishing vessels, as well as the lack of enforcement of ILO instruments on labour conditions, were identified among the root causes. However, it was noted that sub-standard treatment of seafarers was not confined to vessels flying flags of convenience. The representative of IMO underlined the need to encourage States to become parties to the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel. He informed the meeting that a revised code of safety for fishermen and fishing vessels had been adopted this year and also suggested that States should be asked to explain why they had not become parties to the Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels.

69. One delegation and a representative of a non-governmental organization emphasized the need to consider ethics and human rights in fisheries, as well as bioethics and animal welfare.

70. Many delegations and representatives of international organizations and non-governmental organizations underlined that illegal, unreported and unregulated fishing constituted a major threat to the sustainable development of fisheries. Other delegations called for a wider application of the FAO Code of Conduct for Responsible Fisheries and the International Plan of Action to Prevent Illegal, Unreported and Unregulated Fishing. Some delegations referred to the ongoing work of the Organization for Economic Cooperation and Development (OECD) on illegal, unreported and unregulated fishing. However, one delegation could not accept the reference to OECD in the agreed elements.

71. A number of delegations emphasized the need for additional measures, such as the reduction of subsidies that lead to overexploitation and overcapacity. Many underlined the need to reduce excess fishing capacity and to maintain capacity at

levels commensurate with the sustainability of target fish stocks. One delegation stated that there was a need to control construction of new vessels that contribute to overcapacity. The same delegation suggested the adoption of capacity controls by regional fisheries management organizations, by using, for example, white lists. Another delegation stated that since fishing was directly linked to the livelihood of many communities, it was necessary to generate new sources of income for fishermen that would enable them to reduce the levels of their fishing activity.

72. Also suggested by some delegations was the establishment of a list of fishing vessels engaged in illegal, unreported and unregulated fishing by regional fisheries management organizations and enhanced port State control. The need to prevent and suppress transhipment of fish caught by fishing vessels engaged in illegal, unreported and unregulated fishing was also highlighted.

73. Many delegations underlined the need for enhanced monitoring, control and surveillance. The vital role of regional fisheries management organizations and arrangements in this regard was highlighted by one delegation. The need to improve the sharing of information on fisheries enforcement matters was also underlined. Some delegations suggested strengthening the international monitoring, control and surveillance network and urging States to consider participating in it. Others suggested the development of a comprehensive global record of fishing vessels authorized to fish. One delegation proposed expanding the use of negative vessels lists, particularly in conjunction with statistical document programmes to identify products from illegal, unreported and unregulated catches. Several delegations highlighted the need to harmonize customs codes for fishing products. One delegation proposed using multilateral trade measures, including tracking mechanisms by regional fisheries management organizations, preferably in electronic format, and in accordance with international law. Another delegation suggested developing regional guidelines for States to use in establishing sanctions in cases of non-compliance. A third delegation stated that it had required the mandatory installation of vessel monitoring and surveillance systems and planned to set up special tribunals to deal with the issue of illegal, unreported and unregulated fishing.

74. Some delegations referred to the adoption by FAO of international guidelines for the ecolabelling of fish and fishery products from marine capture fisheries, and the recommendation by the FAO Committee on Fisheries to prepare international guidelines on the ecolabelling of fish and fishery products from inland fisheries.

75. Some delegations stressed the importance of the application of the ecosystem and precautionary approaches in the conservation and management of marine living resources. They underlined that it was necessary to consider the specific needs of rare and vulnerable marine ecosystems and habitats, as well as marine species, such as sea turtles, sharks and sea birds.

76. A number of delegations referred to the problems of by-catches as well as to the issue of destructive fishing practices, in particular bottom trawling. A representative of a non-governmental organization underlined the near-extinction of the leatherback turtle as a result of long-line fishing in the Pacific and called for a moratorium on that practice. This call was supported by only some delegations. One delegation noted that not all species of turtles were in danger of extinction, and that some species were in fact increasing.

77. The continued use of destructive fishing practices, such as bottom trawling, whether conducted within an EEZ or on the high seas, was deplored by several delegations and non-governmental organizations. They advocated the adoption of a moratorium on high seas bottom trawling as an interim measure until a lasting solution could be devised by the international community. Other delegations opposed the adoption of a global moratorium, which they considered would be ineffective. Others drew attention to the need to distinguish between moratoriums imposed at the national, regional or global level.

78. Several delegations referred to the call for action set out in paragraphs 66 to 71 of General Assembly resolution 59/25. Some delegations called upon States to cooperate to give effect to this call. One delegation emphasized that the review of progress on actions taken in response to the call by the General Assembly had to be rigorous and take place well within the agreed time frame.

79. During the consideration of the elements to be suggested to the General Assembly, some delegations proposed to include a subparagraph that called upon States to immediately establish interim targeted protection measures, including interim bans on bottom trawling in vulnerable marine ecosystems, until such time as regional agreements or arrangements had been established. Other delegations proposed to call upon States to urgently agree on an open mechanism to cooperate in the protection of vulnerable marine ecosystems.

80. Some delegations held the view that since bottom trawling affected the resources on the seabed, including sedentary species, the competency of the International Seabed Authority should be respected. One delegation noted with regard to paragraph 11 (f) of the agreed elements that a reference to the International Seabed Authority should have been included.

81. Some delegations underlined the need to adopt measures, including marine protected areas, to limit the effects of destructive fishing practices on vulnerable marine ecosystems and habitats. During the discussions, diverging views were expressed as to the use and effectiveness of marine protected areas (see also para. 44 above). It was noted by the representative of FAO and a non-governmental organization that it was necessary to differentiate between zones for protecting biodiversity and those for fisheries management. The representative of the International Union for the Conservation of Nature and Natural Resources suggested that the work by FAO on the elaboration of technical guidelines on the design, implementation and testing of marine protected areas be expedited in consultation with relevant international bodies.

82. During the consideration of the elements for the General Assembly, it was proposed by one delegation that the Assembly encourage progress to establish globally agreed criteria on the objective, location, and management of marine protected areas and study the role of competent entities and institutions set up by treaties, including regional fisheries management organizations, in identifying and managing the said zones. That delegation also proposed the inclusion in the elements of a paragraph requesting that management regimes, as well as conservation and management measures, be supported by the best scientific evidence available, transparent and not applied in a discriminatory manner. However, due to time constraints, it was not possible to discuss this proposal.

83. Several delegations underlined that an improved understanding of the oceans was crucial to the improvement of the sustainable management of fisheries and highlighted the importance of sound scientific information for decision-making. Reference was made to the need for scientific data on fish stocks and for data on discards. The representative of the International Union for the Conservation of Nature and Natural Resources called for a global mechanism for providing scientific advice to regional fisheries management organizations. She also underlined the need for scientific information and assessment on the effects of fisheries on deep water fish stocks and their ecosystems, in order to establish a baseline for future research and assessment, identify what is at stake for the international community and expedite an agreement on appropriate measures. One delegation indicated its willingness to share the data and information it had compiled at the national level about fish stocks, pollution, salinity and temperature. Another delegation suggested that the precautionary approach to fisheries management be applied in the absence of conclusive scientific information.

84. At the end of the panel discussions, some delegations expressed their disappointment that the discussions had focused primarily on constraints to the sustainable development of fisheries rather than on how fisheries could contribute to sustainable development.

## 2. Marine debris

### *(a) Panel presentations*

85. Seba Sheavly (Director, Office of Pollution Prevention and Monitoring, the Ocean Conservancy) and Cees van de Guchte (Senior Programme Officer, UNEP/Global Programme of Action Coordinating Office) launched the panel presentations with an overview of the problem of marine debris, its characteristics, distribution, sources, threats it posed to marine life and other damage it caused, as well as the measures that the International Coastal Clean-up and UNEP had taken in response. Thomas Cowan (Director, Northwest Straits Commission) explained how the derelict fishing gear removal project of the Northwest Straits Marine Conservation Initiative addressed the location and removal of such gear. Ilse Kiessling (National Oceans Office of Australia) highlighted the importance of addressing root causes for lost fishing gear and described how her country was dealing with the problem of derelict fishing gear at the national and regional levels. Laleta Davis-Mattis (Senior Legal Adviser, National Environment and Planning Agency, Jamaica) described the sources of marine debris in her country, the measures that had been taken in response and the priority areas for action.

### *(b) Summary of discussions in panel B and in the plenary*

86. The representative of IMO pointed out that neither Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), nor the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) cover the unintentional loss of fishing gear. He stated that Annex V was not in effect in some regions because of an insufficient number of port waste reception facilities. IMO was developing a text for reporting inadequacies of port waste reception facilities, a comprehensive plan of action for reception facilities, and a port waste reception facility database, which aimed at

facilitating global access to information on reception facilities around the world and promoting exchange and accuracy of data. IMO also contributes to, and funds, an array of activities through its technical cooperation programme, including capacity-building activities with small island developing states, with special emphasis on the wider Caribbean region. It was expected that IMO would review Annex V with a view to introducing stricter requirements for on-board waste management and stringent discharge regulations. IMO would need to work with FAO to address the issue of marine debris from fishing vessels.

87. The representative of the Permanent South Pacific Commission said that its plan of action to protect the marine environment, including vulnerable marine ecosystems, and the Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific and its Protocols provided the basis for action with respect to marine debris. The Commission focused its efforts on promoting integrated management and the development of national plans of action for the protection of the marine environment. He pointed out that the Commission attached great importance to educational campaigns.

88. The representative of the United Kingdom of Great Britain and Northern Ireland, speaking on behalf of the Commission for the Protection of the Marine Environment of the North-East Atlantic, referred to the need to further develop ecological quality objectives and measures, as in the case of the North Sea, which would enable the effective measuring of ecosystem health and the effectiveness of mitigation programmes. Preliminary results from the North Sea projects had led to the adoption of European Community directives to address the impacts from ships. Much of the debris was the result of carelessness by beach-goers and represented an important challenge for local communities. He noted that the fishing industry was being encouraged to bring back to port, and dispose of, their material free of charge. He pointed out that there was a need for a multifaceted approach to marine debris. Speaking on behalf of the Joint Secretariat of the International Coral Reef Initiative, he drew attention to the destructive effects of marine debris on coral reefs.

89. The representative of the Helsinki Commission described the Baltic Strategy for Port Reception Facilities for Ship-generated Wastes and Associated Issues as an effective tool for addressing ship-generated wastes, which had led to a reduction in detected illegal oil discharges. The strategy was based on: adequate port reception facilities, not only in commercial ports but also in marinas and fishing harbours; a mandatory requirement for all ships to deliver wastes that could not be discharged legally in the Baltic Sea; the imposition of a "no special fee", i.e., the cost for receiving wastes from ships was payable by all ships, irrespective of whether the wastes were delivered; and efficient law enforcement and awareness raising.

90. During the plenary and panel discussions, many delegations pointed to inadequate waste management, deficiencies in the implementation of existing standards and lack of awareness of the issue as the main reasons for the increase in marine debris. They identified the main sources of debris in the ocean and in coastal areas as poorly managed landfills, waste carried by wind from urban areas and by sewage systems and rivers into the ocean, as well as shipping. Derelict fishing gear was identified as the most harmful debris to ocean life. One delegation noted that, as different types of marine debris have various effects on the marine environment, it would be inappropriate for the international community to declare a comprehensive ban on the discharge of marine debris. Instead, priority should be given to the

prevention of discharges generally recognized as the most harmful to the marine environment.

91. Several delegations expressed the view that solutions to the problem of marine debris not only needed to be implemented within the marine environment, but should also be linked to recycling, waste-reduction and packaging strategies. The need for awareness-raising programmes and education campaigns for all stakeholders was highlighted by many delegations. One delegation said that it was important to encourage the wide dissemination of information on marine debris through international meetings. In the opinion of some delegations, marine debris was not only an environmental problem that could be solved by legislation, law enforcement and technical solutions; it was also a cultural problem requiring the deployment of policies and efforts to change attitudes, behaviours and management approaches. Some delegations provided examples of national policies and actions they had taken in that regard. Some suggested that States be encouraged to participate in data collection and beach clean-up activities. One delegation suggested that the International Coastal Cleanup Campaign programme be replicated in other countries.

92. Many delegations underlined the importance of compliance with and enforcement of existing instruments. Some noted that although emphasis should be placed on implementation and enforcement, it was nonetheless also important to review the efficiency of existing instruments, including Annex V to MARPOL 73/78, and to address the wide scope of issues raised by marine debris.

93. It was noted that although discharge of plastics at sea was prohibited under Annex V to MARPOL 73/78, in some parts of the world the levels of marine debris had been reported to be increasing. Several delegations underlined the need to take urgent steps to improve the availability of port waste reception facilities. Some delegations expressed their support for the establishment of regional port waste reception facilities rather than requiring States to establish these on an individual basis. One delegation suggested that States should give effect to Annex V to MARPOL 73/78 through implementation of both flag State enforcement and port control measures and seek the introduction of compulsory reporting requirements for lost fishing gear.

94. The view was expressed by some delegations that there was a need for States to support targeted studies to determine the factors that motivate the loss and disposal of fishing gear at sea. There was also a need for States to implement the FAO Code of Conduct. It was proposed that the fishing industry develop codes of conduct. Some delegations emphasized that economic incentives formed part of the solution to the problem of marine debris. Others reported on the measures they had taken at the national level, including the adoption of national codes of conduct for responsible fisheries pursuant to the FAO Code of Conduct and the implementation of a fishing-net name-tag system (for punitive measures in the case of recovery of derelict fishing gear); and incentive policies, such as buy-back programmes of fishing gear and other wastes and free disposal of used gear. Some delegations suggested that FAO address the issue of lost fishing gear and review the implementation of the Code of Conduct and explore possible cooperation with IMO.

95. Some delegations indicated the need for a coordinated set of measures, which they said could be better achieved at the regional level. It was suggested that the issue of derelict fishing gear be discussed within regional fisheries management

organizations in order to raise awareness; that regional fisheries management organizations, FAO and other appropriate intergovernmental organizations be encouraged to undertake initiatives to collect information on associated economic costs incurred as a result of derelict fishing gear; and that best management practices be developed with respect to derelict fishing gear and related marine debris. One delegation suggested the establishment of inventories of net types and other gear used in fishing within national jurisdictions or a clearing-house mechanism to facilitate the sharing of information on fishing net types and other gear used in fisheries around the world.

96. It was suggested that States and regional organizations be encouraged to review the outcome of the APEC Education and Outreach Seminar on Derelict Fishing Gear and related Marine Debris. Attention was also drawn to joint agreements as a way to address the issue of marine debris in an integrated manner, taking into account land-based sources and to establish effective and compulsory systems of reporting and registration of fishing gear. The Northwest Pacific Action Plan was cited by one delegation as a regional cooperative model that States could use in their efforts to reduce marine debris.

97. The importance of implementing the Global Programme of Action was underlined by several delegations, as well as the need to assist countries in that regard. In this connection, one delegation recalled paragraph 65 of General Assembly resolution 59/24. Some delegations highlighted the importance of taking a variety of measures at the national level, such as the building of solid waste-collection centres or the adoption and promotion of recycling policies.

98. Delegations noted with appreciation the offer by the Government of China to host the second intergovernmental review meeting of the Global Programme of Action in 2006. It was proposed that to ensure the success of the review meeting, a broad participation of ministers and high-level officials would be essential.

99. In the marine debris section of the report of the Secretary-General, one delegation pointed out the absence of a reference to explosives and oil pollution from shipwrecks dating from the Second World War, and expressed the view that this subject should be included under the present area of focus, although substantively a bilateral approach to finding a solution was preferable.

100. It was noted by several delegations that special attention ought to be paid to the need for capacity-building by developing countries in respect of better waste management on land and at sea, including through the improved recycling of materials, and that assistance to developing countries should be provided, especially in the field of research, transfer of technology, training of personnel and financing.

**Agenda item 4: Cooperation and coordination on ocean issues**

101. Patricio A. Bernal, Executive Secretary of the Intergovernmental Oceanographic Commission of UNESCO and Coordinator of UN-Oceans, informed the meeting that the latter body had held two meetings since it was established in 2004 by the United Nations System Chief Executives Board for Coordination. UN-Oceans was pursuing its coordination work through: task forces on post-tsunami response; the regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects; biodiversity in marine areas beyond national jurisdiction; and the second intergovernmental review of the Global

Programme of Action. The UN-Oceans website was operational and could be accessed at www.un-oceans.org. Lastly, he also stated that UN-Oceans continued to manage the work of the United Nations Atlas of the Oceans under the auspices of FAO.

102. In this connection, the Director of the Fisheries Resources Division of FAO, Serge Garcia, made an electronic presentation of the United Nations Atlas of the Oceans and explained that it was an integrated source of knowledge and policy advice, developed collaboratively by funds, programmes and agencies of the United Nations system dealing with oceans issues. However, he underscored that the Atlas was having financial difficulties and needed funds to continue its work. The Atlas website can be accessed at www.oceansatlas.org.

103. Delegations underlined the need for cooperation and coordination. One delegation emphasized that voices of non-United Nations agencies should be heard more systematically. However, some delegations questioned the core functions of UN-Oceans in relationship to its proposed inclusion of organizations outside the United Nations system for certain activities.

104. Some delegations expressed the view that in deciding on which activities to engage in UN-Oceans should consider the views of member States. One delegation suggested that UN-Oceans play a greater role in reporting on specific issues under discussion in the Consultative Process.

**Agenda item 5: Identification of issues for further consideration**

105. The Co-Chairpersons noted that an extensive list of issues for the future work of the General Assembly on oceans and the law of the sea had been proposed by delegations over the past five meetings of the Consultative Process, as reflected in the reports of the fourth and fifth meetings (A/58/95, part C and A/59/122, part C). Delegations were invited to submit proposals for additional issues in writing to the Secretariat. Additional issues proposed by delegations during the sixth meeting are set out in paragraph 106 below.

## Part C
## Issues that could benefit from attention in the future work of the General Assembly on oceans and the law of the sea

106. There was agreement that the list of issues identified at the five previous meetings of the Consultative Process remained valid, thus meriting attention from the General Assembly. Additional issues suggested at the sixth meeting were:

(a) The application of an ecosystem approach to oceans management;

(b) Integrated management approaches to address marine pollution;

(c) Human and labour rights of those employed in the fishing and maritime sectors;

(d) Short-, medium- and long-term ecosystem management mechanisms to address and prevent the decline and extinction of associated species, including fish, billfish, sea turtles, seabirds and marine mammals;

(e) Promotion of marine scientific research, as well as capacity-building for the development of scientific information;

(f) Legal and institutional frameworks at the international level for the protection of marine mammals;

(g) Naturally occurring meso scale marine ecosystems;

(h) Coastal hazard preparedness.